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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,960	02/14/2000	Robert J. Ratterman	003801.P002	7340

7590 07/30/2004  
Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025

EXAMINER

VAN DOREN, BETH

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/503,960	<b>Applicant(s)</b> RATTERMAN ET AL.	
	<b>Examiner</b> Beth Van Doren	<b>Art Unit</b> 3623	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

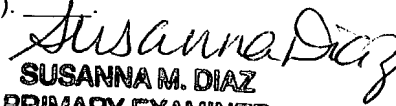
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11, 14-17, 21-29, and 31-41.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: \_\_\_\_\_

  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**  
A.U. 3623

***Advisory Action***

1. The following is an Advisory action in response to communications filed 06/25/04.
2. Applicant's arguments with regards to the rejections based on Epinions.com (web pages acquired from archive.org (WayBackMachine) and the Nick Patience article "Epinions Launches Online Shopping Guide Built on Trust") have been fully considered but they are not persuasive. In the remarks, Applicant argues that Epinions.com does not teach or suggest deriving one or more community ratings by aggregating one or more characteristic values associated with the particular user and the one or more characteristic values associated with each user of the plurality of users sponsored [...] by the particular user.

In response to this argument, Examiner respectfully disagrees. Epinions teaches that a rating is derived for a specific user by combining a value/values associated with the user and a value/values associated with other users sponsored (or backed) by the user. Examiner points out that there is no specific recitation in the claims as to how the deriving or aggregating occurs, what the characteristic values identify, what being "sponsored" entails, etc. Epinions.com obtains at least one rating for the particular user based on the responses of the community to that specific user, the responses of the specific user to other members of the community, and the specific user's interaction with the community. A web of trust is established that shows the community members who trust the specific user (such as shown on page 9) as well as one or more values of quality expressed by other users of the system. A rating that represents the community's overall opinion towards a the particular user is derived, as shown for example on the bottom of page 10, where the 11/22/99 review of Bonies7 is considered very useful by the community. The system also

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combines into the rating if the specific user is considered an expert by using the opinion of the specific user (the quality and quantity of the particular user's opinions), the particular user's rating (backing) of other users' reviews, and the other users' reviews of the particular user's ratings. See also page 24.

Examiner points out that Applicant has explained the meaning of this limitations using terms that are not specifically recited in the limitation (such as the use of the words "brought to" to explain the term "sponsored") and has also given a specific example for the claim limitation. Applicant is reminded that the Examiner must afford the claim limitation the broadest reasonable interpretation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ewd  
bvd

July 27, 2004

*Susanna Diaz*  
SUSANNA M. DIAZ  
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